

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
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TAMIKO GARRIS-RIVERS,

Index No. 13-cv-9034(GBD)(RLE)

Plaintiff,

-against-

DECLARATION IN SUPPORT

THE METROPOLITAN TRANSPORTATION
AUTHORITY, THE METROPOLITAN
TRANSPORTATION AUTHORITY POLICE
DEPARTMENT, THE LONG ISLAND RAIL ROAD,
MTAPD POLICE OFFICER ELOISE BRODERICK,
MTAPD POLICE OFFICER GREG BUEHLER, MTAPD
POLICE OFFICER CHRIS MCDERMOTT, MTAPD
POLICE OFFICER JOUAN OLIVARES, MTAPD
POLICE OFFICER ROBERT RAU, MTAPD POLICE
OFFICER MATTHEW REILLY, MTAPD POLICE
OFFICER MICHAEL HAGGERTY, MTAPD POLICE
OFFICER SHEK, MTAPD POLICE OFFICER "JOHN
DOE" ALSO KNOWN AS POLICE OFFICER "WILLETT",
LIRR EMPLOYEE BENJAMIN GARDNER, and
LIRR EMPLOYEE JOHN MANCINI,

Defendants.

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S I R S :

ANDREW K. PRESTON, an attorney admitted to practice in the United States District
Court for the Southern District of New York, declares, pursuant to 28 U.S.C. §1746, under
penalty of perjury, as follows:

1. The undersigned is employed as an associate attorney in the law firm Bee Ready Fishbein
Hatter & Donovan, and represents Defendants in the above-captioned action.
2. This Declaration and attached exhibits are being submitted in support of the Defendants'
Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56.
3. Attached hereto as Exhibit A is Plaintiff's Notice of Claim.
4. Attached hereto as Exhibit B is correspondence sent by Plaintiff to Defendant.

5. Attached hereto as Exhibit C is a complete and accurate copy of the transcript of Plaintiff's NY GML §50-h examination.

6. Attached hereto as Exhibit D is a complete and accurate copy of the transcript of Plaintiff's deposition.

7. Attached hereto as Exhibit E is a complete and accurate copy of the arrest paperwork prepared in connection with the underlying incident.

8. Attached hereto as Exhibit F is a complete and accurate copy of the MTA Policy and Procedure governing spouse passes.

9. Attached hereto as Exhibit G is an accurate copy of the back of Plaintiff's Spouse Pass.

10. Attached hereto as Exhibit H is a complete and accurate copy of the deposition of Jonathan Mancini.

11. Attached hereto as Exhibit I is a complete and accurate copy of the statement of Jonathan Mancini.

12. Attached hereto as Exhibit J is a complete and accurate copy of the deposition of Robert Rau.

13. Attached hereto as Exhibit K are accurate copies of MTA LIRR newsletters distributed to MTA LIRR employees regarding fraudulent tickets.

14. Attached hereto as Exhibit L is a complete and accurate copy of the deposition of Matthew Reilly.

15. Attached hereto as Exhibit M is a complete and accurate copy of the police memo book entry of the incident in question as recorded by Officer Rau.

16. Attached hereto as Exhibit N is a complete and accurate copy of the police memo book entry of the incident in question as recorded by Officer Reilly.

As set forth more fully in the accompanying Memorandum of Law, Defendants respectfully submit that an order granting Defendants summary judgment pursuant to Federal Rule of Civil Procedure 56 is warranted.

Dated: Mineola, New York
June 1, 2015

Respectfully yours,
**BEE READY FISHBEIN
 HATTER & DONOVAN, LLP**

By: /S/
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